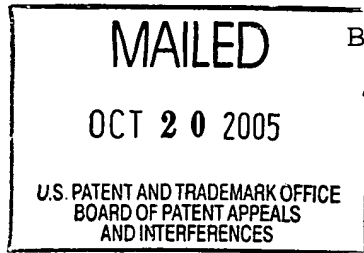


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN CARNEY

Application No. 09/712,101

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 10, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 21, 2005, appellants filed an Appeal Brief under the new rules set forth in 37 CFR § 41.37(c), effective September 13, 2004. However, a review of the application reveals that the Appeal Brief does not contain the "Evidence Appendix" and "Related Proceedings Appendix" in accordance with 37 CFR § 41.37(c)(1)(ix) and (c)(1)(x).

Moreover, on May 16, 2005, the examiner entered an Examiner's Answer in response to appellants' Brief. However, a review of the file reveals that the Examiner's Answer does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c), namely, the headings of "Summary of Claimed

Application No. 09/712,101

Subject Matter," "Grounds of Rejection to be Reviewed on Appeal,"
"Claims Appendix," "Evidence Relied Upon" and "Related
Proceedings Appendix."

Accordingly, it is

ORDERED that the application is returned to the
examiner to:

(1) hold the Appeal Brief filed on January 21, 2005
defective;

(2) notify appellant to file a Supplemental Appeal Brief in
compliance with 37 CFR § 41.37(c)(1)(ix) and (c)(1)(x);

(3) to consider appellant's Supplemental Appeal Brief, and
to vacate the Examiner's Answer mailed on May 16, 2005 and issue
a revised Examiner's Answer in compliance with the new rules
effective September 13, 2004; and

(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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DMS/clm/ks